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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/549,967

04/14/2000

John F Cullen

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03/24/2004

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EXAMINER

ROGERS, SCOTT A

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 03/24/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,967

Applicant(s)

CULLEN ET AL.

Examiner

Scott A Rogers

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 22-25, 29-32, 35-38, 41-44 and 47 is/are rejected.
- 7) ☒ Claim(s) 26-28, 33, 34, 39, 40, 45 and 46 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7.8</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22, 24, 25, 29-32, 35-38, 41-44, and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Beikirch et al (US 5532839).

Referring to claim 22:

Beikirch et al disclose a method for copying a multi-page document comprising:
scanning in a plurality of document pages to capture image data for each of the plurality of pages (note col. 3, lines 58-61);

storing the image data for each of the plurality of pages (note col. 3, line 65 to col. 4, line 1); and

comparing the image data for each of the plurality of pages to identify twice scanned pages (note col. 1, lines 17-22, col. 3, lines 10-16, and col. 4, lines 15-25).

Referring to claim 24:

Beikirch et al disclose printing copies of the plurality of pages based on the image data, wherein for each twice scanned page identified in the comparing step, a single copy is printed (col. 2, lines 20-39).

Referring to claim 25:

Beikirch et al disclose a copier comprising:

a scanner 14 (col. 7, lines 11-32) configured to scan a plurality of pages to capture image data for each page of the plurality of pages (note col. 3, lines 58-61);

a feature extractor module 102 (col. 8, lines 50-54) configured to extract a feature set for each page of the plurality of pages from the image data for the page (col. 3, lines 49-51 & col. 8, lines 57-67);

a comparator module 104 (col. 8, lines 50-54) configured to perform comparisons between the extracted feature sets for the plurality of pages to identify pages from the plurality of pages which have been scanned more than once (col. 3, lines 52-56 & col. 9, lines 1-13);

and a printing module (not shown but incorporated by reference throughout, note col. 5, lines 50-54) configured to print the plurality of pages based on the image data for the pages, wherein a single copy is printed for image data corresponding to the pages which have been scanned more than once (col. 2, lines 20-39).

Referring to claim 29:

Beikirch et al disclose an apparatus for performing a first function on a plurality of pages, the apparatus comprising:

a scanner 14 (col. 7, lines 11-32) configured to scan the plurality of pages to capture image data for each page of the plurality of pages (note col. 3, lines 58-61);

a feature extractor module 102 (col. 8, lines 50-54) configured to extract a feature set for each page of the plurality of pages from the image data for the page (col. 3, lines 49-51 & col. 8, lines 57-67);

a comparator module 104 (col. 8, lines 50-54) configured to perform comparisons between the extracted feature sets for the plurality of pages to identify pages from the plurality of pages which have been scanned more than once (col. 3, lines 52-56 & col. 9, lines 1-13); and

a function module 102 (col. 8, lines 50-54) configured to perform the first function on the plurality of pages based on the image data for the pages, wherein the first function is performed once on image data corresponding to the pages which have been scanned more than once (col. 2, lines 20-39).

Referring to claim 30:

Beikirch et al disclose that the first function may comprise copying the plurality of pages (col. 2, lines 34-39 & 45-52).

Referring to claim 31:

Beikirch et al disclose that the first function may comprise faxing the plurality of pages (col. 2, lines 34-39 & 45-52).

Referring to claim 32:

Beikirch et al disclose that the first function may comprise communicating the plurality of pages via a (fax) communication link (col. 2, lines 34-39 & 45-52).

Referring to claims 35-38, 41-44, and 47:

Claims 35-38 are the method claims corresponding to the function of the apparatus set forth in claims 29-32, and are rejected for the same reasons laid out above.

Claims 41-44 are the computer product claims corresponding to performing the functions in the apparatus claims 29-32 and steps in the method claims 29-32. This embodiment is addressed by Beikirch et al (col. 6, lines 16-18 & 23-27). Therefore, claims 41-44 are rejected for the same reasons claims 29-32 and 35-38 are rejected.

Claim 47 is the computer product claim corresponding to performing the steps in the method claim 22. This embodiment is addressed by Beikirch et al (col. 6, lines 16-18 & 23-27). Therefore, claim 47 is rejected for the same reason claim 22 was rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beikirch et al as applied to claim 22 above, and further in view of well known prior art.

Referring to claim 23:

Beikirch et al do not appear to disclose displaying a warning message on display 108 upon identifying a twice scanned page during the comparison.

However, the feature of displaying a warning message upon identifying a problem, such as a sheet miss-feed or jam, in the process of copying a multi-page document is notoriously old and well known, thereby allowing the operator to take corrective action if necessary.

It would have been obvious to a person of ordinary skill in the art to have included in Beikirch, in view of such well known prior art, the feature of displaying a warning message on display 108 upon identifying a twice scanned page during the comparison. This would provide the added benefit of alerting the operator to a potential maintenance issue and provide the operator with the option of checking the output print job to verify the document pages were correctly printed.

Allowable Subject Matter

Claims 26-28, 33-34, 39-40, and 45-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2626

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers by telephone at 703-305-4726.

The official fax number for Technology Center 2600 where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC 2600 Customer Service at 703-306-0377.


SCOTT ROGERS
PRIMARY EXAMINER

19 March 2004